

EDWARD H. KUBO, JR. #2499
United States Attorney
District of Hawaii

RONALD G. JOHNSON #4532
Chief, Major Crimes

WES REBER PORTER #7698
Assistant U.S. Attorney
PJKK Federal Bldg., Room 6-100
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: 541-2850
Facsimile: 541-2958
E-mail: wes.porter@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00053 DAE
)	
Plaintiff,)	ORDER GRANTING DEFENDANT'S
)	MOTION CONTINUING TRIAL,
vs.)	EXCLUDING TIME FROM THE SPEEDY
)	TRIAL CALCULATIONS, AND
SILVER JOSE GALINDO,)	DENYING COUNSEL'S MOTION TO
(a.k.a. DANIEL S. GALINDO))	WITHDRAW AS MOOT
(a.k.a. TIMOTHY MAU))	
)	NEW TRIAL DATE: 11/07/2006
Defendant.)	
_____)	

**ORDER GRANTING DEFENDANT'S MOTION CONTINUING TRIAL,
EXCLUDING TIME FROM THE SPEEDY TRIAL CALCULATIONS,
AND DENYING COUNSEL'S MOTION TO WITHDRAW AS MOOT**

The matter of Defendant SILVER JOSE GALINDO's, a.k.a. DANIEL S. GALINDO and TIMOTHY MAU, motion to continue the trial or, in the alternative, to withdraw as counsel came on for hearing on June 20, 2006. The defendant was present with his

appointed counsel Jerry Wilson, Esquire, and AUSA Wes Porter was present on behalf of the United States.

The Court first took up Mr. Wilson's motion to withdraw as counsel for the defendant. Neither the defendant or counsel for the defendant, Mr. Wilson, wanted counsel to withdraw. Rather, Mr. Wilson merely raised the issue in the event that the court failed to grant a continuance. The Court then turned to the defendant's motion to continue based upon counsel for the defendant's representation that he was unprepared to go to trial and that he would be ineffective in representing the defendant at trial if the above-captioned case were to proceed as scheduled. While the government opposed the defendant's motion to continue, the Court will allow counsel for the defendant more time to prepare so as to not be ineffective in his representation and promoting the defendant's right to a fair trial. Accordingly,

IT IS HEREBY ORDERED that the defendant's motion to continue trial is GRANTED for the reasons stated below and, based upon that ruling, Mr. Wilson's motion to withdraw counsel for the defendant is DENIED as moot.

IT IS FURTHER ORDERED that the jury trial presently scheduled for June 27, 2006, at 9:00 a.m., be continued to November 7, 2006, at 9:00 a.m., before District Court Judge David A. Ezra. The final pretrial conference will be held on October 10, 2006, at 2:00 p.m. before Magistrate Judge Leslie E.

Kobayashi. Defense motions are due on September 11, 2006, and the Government's responses are due on September 25, 2006.

The continuance provides adequate time to remedy the concerns raised in Mr. Wilson's motion and be prepared for trial by the next date.

IT IS FURTHER ORDERED that the time period beginning and including June 27, 2006, to and including November 7, 2006, be excluded from the computations required by the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and Defendant in a speedy trial. The Court bases this finding on the fact that Defendant's counsel needs additional time to adequately prepare for trial and that failure to grant the continuance would unreasonably deny the Defendant continuity of counsel and would further deny the

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Defendant the reasonable time necessary for effective preparation, taking into account due diligence.

IT IS SO ORDERED:

DATED: June 29, 2006, at Honolulu, Hawaii.





David Alan Ezra
United States District Judge

APPROVED AS TO FORM:

_____/s/ Jerry Wilson_____
JERRY WILSON, ESQ.
Attorney for Defendant
SILVER JOSE GALINDO

United States v. SILVER JOSE GALINDO

Cr. No. 04-00053 DAE

"Order Granting Defendant's Motion Continuing Trial,
Excluding Time from the Speedy Trial Calculations,
And Denying Counsel's Motion to Withdraw as Moot"